

Notice of Allowability

Application No.

10/714,368

Examiner

Debra Wolfe

Applicant(s)

TRAUB, ZENO P.

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on July 10, 2006.
2. ☒ The allowed claim(s) is/are 1-21 and 35-56.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

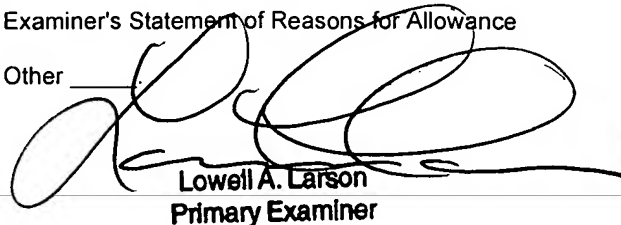
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Lowell A. Larson
Primary Examiner



NOTICE OF ALLOWABILITY

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter.

1. It is the opinion of the examiner that the art of record (considered as a whole) neither anticipates nor renders obvious "a bearing member having an axis, the bearing member coupled to the pivot member at a location offset from the bearing member axis" in combination with the rest of the claimed limitations set forth in the independent claims 1, 9, 35, 43, and 49.

Further searching by the examiner yielded additional prior art as follows:

2. Hopf (U.S. Patent # 5,918,496) discloses an adjustable clamp die for tube bending machine having a primary clamp die (32) and a secondary clamp die (34) that is rotated in and out of contact with the primary clamp die (32). The secondary clamp die (34) is attached to a linkage assembly having a first link (47), a second link (48), a third link (49) and a toggle link (45). The linkage assembly is actuated by a hydraulic drive assembly consisting of hydraulic cylinder (44) and ram (46).

Glissman et al (U.S. Patent # 5,617,753) discloses a low force auto-open tooling for tube bending machines having a clamp die positioning apparatus (18) for positioning a clamp die (16) adjacent to the bend die (12). The clamp die positioning apparatus has an arm (52) that is attached to a camming surface (58) and pivots about an axis (54) and is actuated by a linear actuator (44) [See Figure 2A].

3. Hopf (U.S. Patent # 5,918,496) and Glissman et al (U.S. Patent # 5,617,753) both fail to disclose "a bearing member having an axis, the bearing member coupled to the pivot member at a location offset from the bearing member axis". Therefore, it is concluded that claims 1, 9, 35,



43, and 49 of the present invention are allowable subject matter over the prior art. Claims 1-21 and 35-56 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra Wolfe whose telephone number is (571) 272-1904. The examiner can normally be reached Monday - Thursday 6am - 3:30pm with alternating Friday 6am - 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Lowell A. Larson", is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke at the end.

Lowell A. Larson
Primary Examiner

Debra Wolfe
Examiner
Art Unit 3725

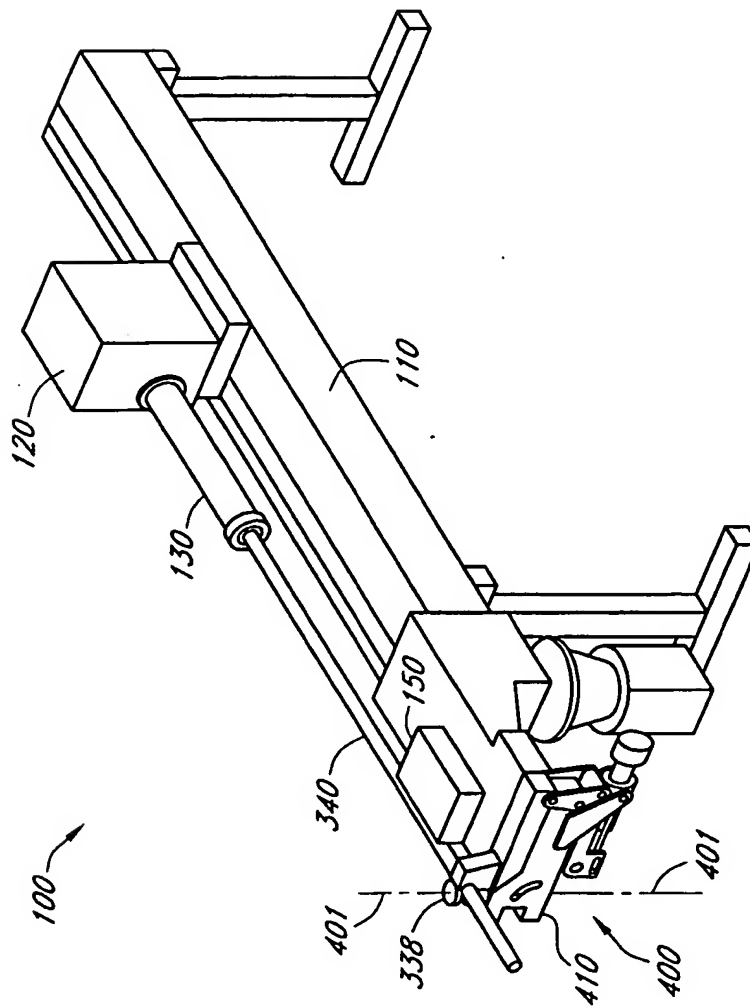


FIG. 1

approved - DW